POLICY NOTE

THE GENERAL PHARMACEUTICAL COUNCIL (AMENDMENT) RULES ORDER OF COUNCIL 2022

2022 No. 697

The above instrument was made in exercise of the powers conferred by articles 61(1), (2) (a), (3) (a) and (6) (b) and 66(1) of the Pharmacy Order 2010. This Instrument is subject to negative procedure.

Background

1. The rules scheduled to and approved by this instrument, amend the following General Pharmaceutical Council (Appeals Committee) Rules 2010 (as contained in the Schedule to the General Pharmaceutical Council (Appeals Committee Rules) Order of Council 2010 (S.I. 2010/1614)) and the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010 (as contained in the Schedule to the General Pharmaceutical Council (Fitness to Practise and Disqualification etc. Rules) Order of Council 2010 (S.I. 2010/1615)).

Policy Objective

2. This instrument will allow the Appeals and Fitness to Practise Committees of the General Pharmaceutical Council (GPhC) to hold meetings or hearings using audio and/or video conferencing facilities on a permanent basis. In addition, in person meetings and hearings will also continue to be available.

3. The GPhC's current rules state that its Appeals and Fitness to Practise Committees must hold in-person hearings. During the Covid-19 emergency period, the GPhC made temporary rules changes (S.I. 2021/26) which allowed its Appeals and Fitness to Practise Committees to hold hearings and meetings using audio and/or video conferencing facilities on a temporary basis. These temporary rules changes expired on 1 May 2021. The GPhC has found that holding hearing by audio and/or video conference has offered greater flexibility and there have been advantages for both the GPhC and its registrants in terms of cost and time savings.

Consultation Outcome

4. The GPhC ran a 12 week stakeholder consultation between 16 November 2021 and 8 February 2022 on its proposal to hold virtual hearings on a permanent basis. The GPhC delivered its consultation through a consultation survey which received 481 responses: 460 from individuals and 21 on behalf of an organisation. The GPhC also received 2 responses from organisations writing more generally about their views, bringing the total number of respondents to 483. In addition, the GPhC also carried out a survey of its online public panel members. This was open from 11 January to 8 February 2022 and received a total of 148 responses.

5. The responses to the GPhC's consultation were broadly supportive of the GPhC's proposed rules changes. The GPhC's consultation analysis is available at Consultation on remote hearings: analysis report (pharmacyregulation.org)

Guidance

6. To enable consistency of decision-making, when holding virtual hearings during the covid19 emergency period, the GPhC produced interim guidance on virtual hearings which is available on its website. Please see:
Remote hearings during the pandemic: Guidance on how to ensure a case is suitable for a remote hearing - November 2020 | General Pharmaceutical Council (pharmacyregulation.org)

Impact

7. There is no impact on business, charities, and voluntary bodies. There is also no impact on the public sector.

8. An equality impact assessment has been published on the GPhC's website. Please see Analysis of the effects on equality (pharmacyregulation.org).

Monitoring and Review

9. The approach to monitoring of this legislation is that the GPhC will keep its rules under review.

Scottish Government Health and Social Care Directorates

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